

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN BARTLEY,

Plaintiff,

Case No. 1:08-cv-10

v.

Honorable Robert J. Jonker

GEORGE PRAMSTALLER et al.,

Defendants.

**ORDER GRANTING EXTENSION OF TIME TO PAY INITIAL PARTIAL FILING FEE
AND DENYING MOTION FOR APPOINTMENT OF COUNSEL**

This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983. This matter is before the Court on Plaintiff's Motion for Appointment of Counsel (docket #5) and Motion for Extension of Time (docket #4).

Regarding Plaintiff's motion for appointment of counsel, indigent parties in civil cases have no constitutional right to a court-appointed attorney. *Abdur-Rahman v. Mich. Dep't of Corr.*, 65 F.3d 489, 492 (6th Cir. 1995); *Lavado v. Keohane*, 992 F.2d 601, 604-05 (6th Cir. 1993). The Court may, however, request an attorney to serve as counsel, in the Court's discretion. *Abdur-Rahman*, 65 F.3d at 492; *Lavado*, 992 F.2d at 604-05; *see Mallard v. U.S. Dist. Court*, 490 U.S. 296 (1989).

Appointment of counsel is a privilege that is justified only in exceptional circumstances. In determining whether to exercise its discretion, the Court should consider the complexity of the issues, the procedural posture of the case, and Plaintiff's apparent ability to prosecute the action without the help of counsel. *See Lavado*, 992 F.2d at 606. The Court has carefully considered these factors and determines that, at this stage of the case, the assistance of counsel does not appear necessary to the proper presentation of Plaintiff's position.

Regarding Plaintiff's motion for extension of time, Plaintiff requests an additional sixty (60) days to pay the initial partial finding fee. Upon review, the Court finds that it is proper to grant Plaintiff's request.

Therefore:

IT IS HEREBY ORDERED that Plaintiff's request for appointment of counsel (docket #5) is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff's motion for extension of time (docket #4) is **GRANTED** and Plaintiff has an additional sixty (60) days from the date of this Order to pay the initial partial filing fee.

Dated: February 21, 2008

/s/ Hugh W. Brenneman, Jr.
HUGH W. BRENNEMAN, JR.
United States Magistrate Judge